

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SCOTT ALEXANDER,

Plaintiff,

v.

PNK (OHIO), LLC DBA BELTERRA PARK,

Defendant.

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Case No. 1:21-cv-156

DEFENDANT’S NOTICE OF REMOVAL

Under 28 U.S.C. §§ 1441(a) and 1446, Defendant PNK (Ohio), LLC d/b/a Belterra Park (“Defendant”) gives notice of removal of this action from the Hamilton County, Ohio Court of Common Pleas to the United States District Court for the Southern District of Ohio, Western Division in Cincinnati, Ohio. As grounds for removal, Defendant states that this civil action raises a federal question. Defendant further states as follows:

1. On January 29, 2021, Plaintiff Scott Alexander (“Plaintiff”) filed a Complaint against Defendant in the Hamilton County, Ohio Court of Common Pleas, docketed as Case No. A2100378. A Summons and Complaint were served on Defendant on February 5, 2021, a copy of each of which is attached hereto as Exhibit A. No other pleadings or orders have been filed, entered, or served in this action.

2. This is a civil action over which the district courts of the United States have original jurisdiction because the action arises under the laws of the United States and invokes federal question jurisdiction under 28 U.S.C. § 1331. Count V of Plaintiff’s Complaint purports to assert a claim of interference under the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601, *et seq.* (the “FMLA”). *See* Compl., ¶¶ 91-100 (Count V).

3. Because Plaintiff asserts a claim under the laws of the United States, this Court has original jurisdiction under 28 U.S.C. § 1331, permitting the removal under 28 U.S.C. §§ 1441(a) and 1446.

4. In her Complaint, Plaintiff also purports to allege state law claims of disability discrimination, age discrimination, and retaliation under the Ohio Civil Rights Act (O.R.C. § 4112, *et seq.*). See Compl., ¶¶ 48-90 (Counts I-IV). The Court has supplemental jurisdiction over these claims because they are “part of the same case or controversy” as Plaintiff’s FMLA-interference claim under 28 U.S.C. § 1367(a). See, e.g., *Holt v. Ohio*, No. C2-05-894, 2006 WL 8441982, at *1 (S.D. Ohio Sept. 27, 2006) (exercising original jurisdiction over plaintiff’s FMLA interference claim and supplemental jurisdiction over plaintiff’s related discrimination claims under state law).

5. Because Plaintiff brought her Complaint in the Hamilton County, Ohio Court of Common Pleas, the Western Division of the United States District Court for the Southern District of Ohio is the proper forum for removal under 28 U.S.C. § 115(b)(1) and § 1441(a).

6. Fewer than thirty days have elapsed since Defendant received the Complaint and Summons on February 5, 2021. 28 U.S.C. § 1446(b).

7. True and correct copies of this Notice of Removal, with accompanying exhibits, and a Notice to State Court of Removal are being served upon Plaintiff and will be filed with the Clerk of the Hamilton County, Ohio Common Pleas Court promptly after the filing of this Notice of Removal in accordance with 28 U.S.C. § 1446(d).

8. This Notice of Removal has been signed by counsel for Defendant, in compliance with the requirements of 28 U.S.C. § 1446(a) and Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant respectfully removes this action from the Hamilton County, Ohio Court of Common Pleas to this Court in accordance with the foregoing statutory provisions.

Respectfully submitted,

/s/ Chad J. Kaldor

Chad J. Kaldor (#0079957)

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of March, 2021, the foregoing *Defendant's Notice of Removal* was filed via the Court's electronic filing system. Notice of filing will be performed by the Court's electronic filing system, and Parties may access the document through the Court's electronic filing system.

In addition, I hereby certify that, on this 5th day of March, 2021, the foregoing was served via electronic mail only upon:

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/s/ Chad J. Kaldor
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